

DISCIPLINARY REGULATIONS FOR ALL BUSL STUDENTS

NOTE: BUSL students also are subject to the Boston University Code of Student Responsibilities. For a copy of the Code, see www.bu.edu/judicialaffairs/studentres.htm.

Article I. School of Law (BUSL) Disciplinary Action

1. **Jurisdiction over disciplinary cases.** Students at BUSL are subject both to these Disciplinary Regulations and to the Code of Student Responsibilities of Boston University (the University). BUSL and the University may agree under which rules and regulations any disciplinary case is to be brought. BUSL ordinarily will not bring any separate action with respect to a charge that is the subject of disciplinary proceedings initiated by the University.

2. **Scope of disciplinary action by BUSL.** Disciplinary action by BUSL is governed by these Regulations. Such action extends to the following conduct:

- a. *Conduct in violation of BUSL regulations.* Such conduct is defined in Article II, below.
- b. *Other conduct, including but not limited to conduct in violation of Boston University rules or public law, when such conduct is not commensurate with professional standards of conduct required of lawyers.* Such conduct is defined in Article III, below.

An individual shall assume student status, for purposes of these Regulations, upon his or her formal enrollment in BUSL, and such status shall continue until his or her permanent severance from BUSL by graduation, expulsion, completed withdrawal, or other like event. Misconduct in connection with an application for admission, however, shall be deemed to continue in effect through enrollment. An individual whose student status has terminated for any reason other than graduation shall remain subject to discipline under these Regulations with respect to his or her conduct while in student status. In any case, the disciplinary sanctions of expulsion and suspension shall be deemed respectively to effect permanent or temporary disqualification for readmission to BUSL. The Faculty retains its inherent power to take appropriate action, after such reasonable process as it may prescribe, with respect to a graduate's conduct while in student status.

Article II. Violations of BUSL Rules and Regulations

1. **General rule.** Any student who violates BUSL's rules or regulations, as published from time to time, may be subject to disciplinary action pursuant to these Regulations. The examples contained in section 2 below are not intended to be exhaustive.

2. **Specific examples.** The following are examples of BUSL rules and regulations, the violation of which may be subject to disciplinary action pursuant to these Regulations.

- a. *BUSL Academic Regulations and rules and procedures of the Law Library.* Students are expected to comply with BUSL Academic Regulations, with any academic regulations adopted by an applicable LL.M. program, and with the rules and procedures established for the use of the Law Library. Willful or repeated failure to comply with such regulations, rules or procedures may be subject to disciplinary action.
- b. *Classroom rules.* Students are required to comply with the rules established by members of the Faculty and other instructors at BUSL for the conduct of their classes. An example of a rule that has been adopted and promulgated by some Faculty members for the conduct of their classes is the exclusion from class of students who arrive late or are unprepared. Should an instructor announce such a rule to students in the instructor's classes, willful or repeated failure

by a student in such a class to comply with the instructor's rule may be subject to disciplinary action.

c. *Disruption of BUSL activities or operations.* Conduct that disrupts or impairs BUSL activities or operations may be subject to disciplinary action. The kind of conduct referred to is conduct that by itself or in conjunction with the conduct of others disrupts or impairs the effective carrying on of the activity, a result that the student knew or reasonably should have known would occur.

d. *Damage to or abuse of BUSL property, facilities or services.* Students are expected to make responsible and appropriate use of BUSL property and facilities, and of the services provided by BUSL. Conduct that damages or abuses BUSL property, facilities, or services, including, for example willful damage to Law Library materials, or to furniture, classrooms, or offices, and unauthorized use of photo-copying or secretarial services, may be subject to disciplinary action.

e. *Plagiarism.* Plagiarism is the knowing use, without adequate attribution, of the ideas, expressions, or work, of another, with intent to pass such materials off as one's own. All written work, whether in preliminary or final form, submitted by a student in the course of law study, in the course of employment, or in the course of other activities, whether or not related to the study or profession of law, is assumed to be the student's own work. Anything copied or paraphrased from another author or source must be appropriately identified, acknowledged, and attributed. The use of the exact language of another without identification as a direct quotation by quotation marks or otherwise is plagiarism even though the source is cited in the student's work. Violation of the rules stated in this paragraph may be subject to disciplinary action.

f. *Examinations.* Students are required to comply with the rules established for examinations, including both those established by BUSL and those established by the instructor giving the examination. Violation of the rules set for any examination, including "take-home" examinations, may be subject to disciplinary action. The examination rules established by BUSL include the following:

(1) Students may have in their possession only those materials permitted by the instructor, and they may consult books, notes, other material, or other persons, only as authorized by the instructor.

(2) Students must stop writing and turn in their in-class examination papers when time is called.

g. *Sales or purchase of class notes.* The sale, offering for sale, or purchase, directly or indirectly, of lecture notes, class notes, case abstracts, or similar material, acquired through attendance at BUSL, by any student or group of students or their agents, is prohibited and may be subject to disciplinary action.

h. *Recording devices.* Recording devices are prohibited in the classroom except with the permission of the Dean and of the instructor. The use of such devices in the classroom without such permission may be subject to disciplinary action.

i. *Rules of the Career Development Office.* Students are required to comply with the rules established by BUSL Career Development Office. In particular, no student who has accepted an offer of employment shall use the facilities of the Office to secure interviews for employment to a conflicting position. No student who has accepted an offer of employment in a law-related position shall rescind that acceptance or accept an offer for employment to a

conflicting position without first notifying the Office and discussing the matter with a representative of that Office. Willful or repeated violation of the requirements of this paragraph may be subject to disciplinary action.

Article III. Unprofessional Conduct

1. **General rule.** Any student who engages in unprofessional conduct with regard to any matter, whether or not related to BUSL or to Boston University, may be subject to disciplinary action pursuant to these Regulations.

2. **Definition.** Unprofessional conduct includes:

- a. illegal conduct involving moral turpitude;
- b. conduct that involves dishonesty, fraud, or deceit; or
- c. conduct that violates the standards of professional ethics established for lawyers or otherwise adversely reflects on the fitness of the student for admission to the bar.

3. **Specific examples.** Subject to the standard defined in section 2 above, the following are examples of conduct that may be determined to be unprofessional conduct subject to disciplinary action pursuant to these Regulations:

- a. *Failure to comply with University rules relating to student conduct and discipline.* Students are required to comply with the rules established by Boston University relating to student conduct and discipline. For example, students are expected to comply with the University Policy on Sexual Harassment. Willful or repeated failure to comply with such rules may be determined to be unprofessional conduct subject to disciplinary action pursuant to these Regulations whether or not such conduct is also subject to disciplinary action pursuant to University rules.
- b. *Violations of public law.* Conduct in violation of public law may be determined to be unprofessional conduct subject to disciplinary action pursuant to these Regulations whether or not such conduct is also subject to criminal or other sanctions.
- c. *False statement.* Making a false statement in any document or record related to the study or practice of law may be the basis for disciplinary action, whether the statement is made on a document submitted to BUSL, Boston University, or to a third party. Included within this category would be any false statement on an application for admission to BUSL or other academic institution, on an application or other document submitted for financial aid, or on a resume submitted to a potential employer or agent for a potential employer.
- d. *Other conduct.* Conduct defined as unprofessional conduct under section 2, above, may be subject to disciplinary action pursuant to these Regulations whether or not such conduct is related to the academic process at Boston University, and whether or not such conduct is also subject to other sanctions. These examples of unprofessional conduct are not intended to be exhaustive.

Article IV. Investigation and Presentation of Charges

1. **Investigation of reported student misconduct.** All reports and all complaints of student misconduct, including reports and complaints involving LL.M. students, shall be referred to the Office of the Dean, which shall promptly conduct an investigation of the matter. At the direction of the Dean, an Associate Dean or other delegate of the Dean shall discuss the matter with the student at the earliest opportunity, and in the case of students in an LL.M. program, consult with the

appropriate Director. All students are to be informed of the right to counsel and the right to remain silent, and shall be warned that anything the student may say may be used against the student. The student shall be requested to sign a statement to the effect that he or she has been informed of the above rights and has received the above warning.

2. **Informal disposition.** If, in the Dean's judgment, the report or complaint is unfounded or warrants no formal action, no action shall be taken and no record shall be made of the matter in the student's permanent record or upon the student's transcript. The student shall be informed promptly of the Dean's determination and the matter shall be considered closed.

3. **Presentation of charges.** If, in the Dean's judgment, the report or complaint appears to warrant disciplinary action, the Dean shall direct that charges against the student be drawn and that the matter be referred to a Judicial Committee. The Dean's delegate promptly shall draw charges and transmit them in writing both to the student and to the Judicial Committee convened under Article V, below. Charges may be amended in writing at any time before completion of the Judicial Committee's hearing, provided that the amendment is made within a reasonable time after discovery of evidence supporting the amendment. Such amendment shall be allowed if it refers to the same or a similar transaction that was the subject of the initial charge. The student shall have a reasonable time to prepare to respond to any amendment.

4. **Interim Sanction.** The Dean may withhold credit for a course or seminar, withhold the award of any honors or other academic privileges, delay the award of a degree, or suspend the student involved pending completion of an investigation and hearing of alleged student misconduct. In determining whether to withhold, delay, or suspend, the Dean shall consider the gravity of the charge and the apparent strength of the case against the student, and the feasibility of avoiding interim sanctions by expediting the disciplinary proceedings.

Article V. The Judicial Committee

1. **Convening the Judicial Committee.** When the Dean determines that charges against any student shall be referred to a Judicial Committee, the Dean shall convene the Committee in accordance with the provisions of this Article. Except in the case of joint hearings as provided in section 2, below, a separate Judicial Committee shall be convened to hear the case of each student against whom charges are brought.

2. **Joint hearings.** Where two or more students are charged with participating in the same act or transaction, or in the same series of acts or transactions, constituting a rule violation or unprofessional conduct under these Regulations, the charges shall be referred to a single Judicial Committee for a joint hearing. If, in the judgment of the Committee, a separate hearing should be held for any reason in the case of any such student, the Committee convened to hear the charges shall hold such separate hearings as are required. If one or more, but fewer than all, students charged in a joint hearing elect to have the Committee consist solely of Faculty members as provided in section 4, below, the Faculty members of the single Committee constituted pursuant to this section shall constitute the Judicial Committee in the case of such student or students and shall hold a separate hearing or hearings as required.

3. **Composition of the Judicial Committee.** Except as provided in section 4, below, each Judicial Committee convened to hear charges brought against a student or students pursuant to these Regulations shall consist of one student and two members of the BUSL Faculty selected as provided in this Article. If the Chair of the Faculty Judicial Panel does not serve on a Judicial Committee, [t]he Faculty members selected for the Committee shall elect one of their number to serve as Chair of the Committee.

4. **Election of a Judicial Committee consisting solely of Faculty members.** Any student against whom charges are brought pursuant to these Regulations may elect to have the Judicial Committee convened to hear the student's case consist solely of three members of the BUSL Faculty. Such election shall be made promptly upon receipt by the student of the charges.

5. **Selection of Faculty members of a Judicial Committee.** Except as provided in section 6 below, the Faculty members of each Judicial Committee shall be two members of the Faculty Judicial Panel selected by lot or, should a student elect a Judicial Committee consisting solely of faculty members pursuant to section 4 above, the three members of the Faculty Judicial Panel.

6. **Composition of the Faculty Judicial Panel.** The Faculty Judicial Panel consists of three members of the BUSL Faculty appointed by the Dean to serve for staggered terms of three years. At the beginning of each academic year, the Dean shall appoint one member of the Faculty Judicial Panel to serve as Chair and shall appoint ten alternate members of the Faculty Judicial Panel. Should it be necessary to convene more than one Judicial Committee at any given time, the Chair of the Faculty Judicial Panel may request the Dean to select one or more alternate members to serve on a Judicial Committee. If the Dean determines that the selection of alternate members is warranted, alternates shall be selected by lot from the full list of alternates. Every Judicial Committee, however, shall have at least one member who is a full member of the Faculty Judicial Panel. Faculty members then serving as Associate Dean or Assistant Dean shall not be eligible for appointment to the Faculty Judicial Panel as full members or alternates. Vacancies shall be filled as they occur by the Dean from among the eligible members of the Faculty.

7. **Selection of the student member of a Judicial Committee.** The student member of each Judicial Committee shall be selected by lot from among the eligible members of the Student Judicial Panel established pursuant to section 8, below. A student who is then serving or has served on a Judicial Committee shall not be selected for service on a second Judicial Committee in the same academic year unless there is no other eligible student who has not also served on a Judicial Committee in that academic year.

8. **Composition of the Student Judicial Panel.** The Student Judicial Panel shall consist of twenty-five students selected by lot from among the eligible members of the second-year class during the spring semester of each year to serve for one year beginning on Commencement Day immediately following their selection and ending on Commencement Day the following year. Students who have been in good academic standing throughout their course of study at BUSL shall be eligible to serve on the Student Judicial Panel, except that students who have been found to have violated a BUSL rule or to have engaged in unprofessional conduct, and students who have been in residence at BUSL for less than one full academic year, shall not be eligible to serve on the Panel. Students selected to serve on the Panel shall have a period of one week within which to accept appointment to the Student Judicial Panel in writing. Vacancies occurring as a result of failures to accept appointments, or otherwise, shall be filled as they occur by selection by lot from among the eligible members of the third-year class in the same manner as provided for the initial establishment of the Panel.

9. **Resignation and replacement of Judicial Committee members.** A student whose case is to be heard by a Judicial Committee may bring to the Committee's attention any facts or circumstances that would compromise, or appear to compromise, the impartiality of a Committee member. Any member of a Committee who knows such facts or circumstances, whether or not presented by the student, shall resign from the Committee. Vacancies on a Committee shall be filled as they occur in the same manner as provided for the initial establishment of the Committee, if such vacancies occur prior to the day set for the hearing in accordance with Article VI, section 2, below. Vacancies occurring after such date may be filled at the discretion of the Dean – provided, however, that the

failure to fill such vacancies shall not prevent the Committee from taking action as provided for in these Regulations.

10. **Notification to student.** The Judicial Committee shall transmit its decision to the office of the Dean. The Dean shall transmit the decision to the student and, in the event that the Judicial Committee has determined that disciplinary action is warranted, the Dean shall inform the student of the right to submit a statement to the Disciplinary Review Panel.

Article VI. Judicial Committee Procedure and the Rights of the Student

1. **Hearing date.** Upon presentation of charges against a student as provided in Article IV, above, the Judicial Committee convened to hear the charges shall promptly set the earliest possible date for a hearing by the Committee consistent with the preparation by the student of the student's defense to the charges brought before the Committee.

2. **Notice to the student.** The Judicial Committee convened to hear charges against a student shall inform the student promptly of the hearing date in writing, transmitting the following to the student: (a) a copy of the charges referred to the Committee, (b) copies of all supporting documents submitted to the Committee, and (c) a copy of these Regulations.

3. **Presentation of the case.** An Associate Dean, or other delegate of the Dean, shall prepare the case and present the facts in the proceeding before the Judicial Committee. The person presenting the case shall have the right to be assisted by counsel.

4. **Student's right to counsel.** The student has the right to choose, and to be accompanied and/or represented by, by, an advisor or counsel at all stages of the proceeding before the Judicial Committee. Members of the Faculty or Staff of BUSL may agree to serve as such advisors at the request of the student. The student, however, shall sign all papers and pleadings that are introduced on his or her behalf and that assert facts within the student's knowledge.

5. **Witnesses and evidence at the hearing.** Both the student and the person presenting the case have the right to call witnesses and to introduce evidence at the hearing. Each party has the right to cross-examine any witness who testifies against that party at the hearing. The student and the person presenting the case have the right to cross-examine witnesses who testify at the hearing.

6. **The right to remain silent.** The student has the right to remain silent at the hearing. No inferences shall be drawn from a decision by the student to remain silent at the hearing.

7. **Rules of evidence and procedure.** The rules of evidence and procedure applicable to criminal and civil trials do not govern hearings before a Judicial Committee. Except as otherwise provided in this Article, and subject to disapproval by vote of the Committee, the Chair of the Judicial Committee may make such rulings as to procedure and the admissibility of evidence as in the judgment of the Chair will expedite the hearing and ensure due process.

8. **Judicial Committee hearings.** The place of the hearing shall be determined by the Committee. Hearings normally are closed to all but the parties and their advisors and counsel. When requested by the student, the student's hearing shall be opened to students and members of the BUSL Faculty in numbers consistent with the maintenance of a suitable atmosphere for the hearing. The Committee may make such exceptions to this rule as in its judgment are necessary to maintain order and to ensure due process.

9. **Tape recordings.** Judicial Committee hearings shall be recorded in full on tape, which shall be held in BUSL files and made available to the student, or the student's authorized representatives, for review or copying as required.

10. **Rules of procedure.** Except as otherwise provided in this Article, the Judicial Committee may adopt such procedural rules as in the judgment of the Committee will expedite the hearing and ensure due process.

11. **Dean's recommendation.** The Dean, Associate Dean, or other Dean's designate may recommend a sanction if the Judicial Committee finds that disciplinary action is warranted. The Judicial Committee may consider such recommendation in deciding which sanction, if any, to impose. No recommendation from the Dean or Associate Dean or other Dean's designate, however, shall bind the Judicial Committee. If the student and the Dean or Associate Dean or other Dean's designate propose to the Committee a resolution of the matter that involves a stipulation or admission by the student, and the Committee does not adopt the recommended resolution, the student shall be permitted to withdraw the stipulation or admission and proceed to a hearing of the matter. In such a case, the Committee, in conducting the hearing, shall draw no inference from the fact that a stipulation or admission was offered by the student.

12. **Effect of procedural error.** If, in the judgment of the Judicial Committee, any representative of the Dean's Office has failed to comply with the obligations of the Dean's Office under this Code or has otherwise acted in a manner that unduly prejudices the student, appropriate corrective measures may be directed at any stage of the proceedings. Corrective measures shall be within the discretion of the Committee, but procedural error need not require exclusion of evidence or otherwise invalidate the proceeding or disposition of the case. The proceedings of the Judicial Committee shall not ordinarily be invalid by reason of a defective mechanical recording of the proceeding.

13. **Petition for reconsideration.** A student who has been found to have violated a disciplinary regulation may, on the discovery of new evidence, petition the Dean's Office for a rehearing based on such evidence. The petition shall set forth the nature of the new evidence and the circumstances under which it was discovered. On receipt of a petition for reconsideration, the Dean may either order a new Judicial Committee to hear the case or may deny the petition. The decision of the Dean on a petition for reconsideration shall be final.

Article VII. Judicial Committee Decisions

1. **Judicial Committee deliberations private.** After receiving all the evidence, statements, and arguments submitted at the hearing, the Judicial Committee shall deliberate in private.

2. **Majority vote required.** The Judicial Committee's decisions shall be reached by majority vote of the Committee members present and voting.

3. **Acquittal.** If a majority of the Judicial Committee does not decide pursuant to section 4, below, that a rule violation or unprofessional conduct has been established, the student shall be acquitted. In such a case the charges shall be dismissed and no record shall be made of the matter in the student's permanent record or upon the student's transcript.

4. **Rule violation or unprofessional conduct established.** If the Judicial Committee decides that a rule violation or unprofessional conduct has been established as charged by clear and convincing evidence, the Committee shall determine whether disciplinary action is warranted. If in such a case the Committee determines that in the light of all the circumstances no further action is warranted, no action shall be taken and no record shall be made of the matter in the student's permanent record or upon the student's transcript.

5. **Disciplinary action found warranted.** If pursuant to section 4, above, the Judicial Committee decides that disciplinary action is warranted, the Committee shall determine the specific disciplinary action that in its judgment is warranted. The Committee shall promptly set forth its decision in a written confidential report to the Dean containing the Committee's findings of fact and conclusions

based upon the evidence introduced at the hearing. The student shall promptly be given a copy of the Judicial Committee's report and notified of the right to submit a statement pursuant to Article VIII, below.

6. Forms of disciplinary action. The following are the forms of disciplinary action that may be taken pursuant to the decision of a Judicial Committee:

- a. *Reprimand.* The student may receive a reprimand. The reprimand is part of the student's permanent record, but is not recorded upon the student's transcript.
- b. *Censure.* The student may receive a censure. The censure is part of the student's permanent record and is recorded upon the student's transcript.
- c. *Suspension.* The student may be suspended for a determinate period with permission to return at the end of that period. The suspension is part of the student's permanent record and is recorded upon the student's transcript. A suspension may be stayed subject to the proviso that the stay shall terminate automatically if, during such stay, the student is found to have violated these Regulations.
- d. *Expulsion.* The student may be expelled. Expulsion terminates the student's status as a law student. The expulsion is part of the student's permanent record and is recorded upon the student's transcript.

The Judicial Committee may also impose such other conditions as it deems appropriate under the circumstances of the particular case. These may include, but are not limited to, notification of disciplinary action to third parties and restitution to BUSL or other parties.

7. Presumption in plagiarism cases. In any case in which a student is found to have committed plagiarism, the presumptive sanction is expulsion or suspension.

8. Disqualification from honors. When the Judicial Committee determines that disciplinary action is warranted it shall also determine whether the student, so disciplined, is disqualified from consideration for honors upon graduation. Such determination shall be made a part of its report.

9. Notification to faculty member. In the event that the Judicial Committee finds that disciplinary action is warranted in a case involving conduct during an examination, seminar paper, or other work in a course or seminar, the faculty member responsible for grading such course or seminar shall be notified and shall receive a copy of the decisions of the Judicial Committee and Disciplinary Review Panel. The faculty member shall be entitled to alter the grade of the student to take account of the disciplinary violation.

10. Effect of decisions of a Judicial Committee. Decisions of a Judicial Committee finding that a rule violation or unprofessional conduct has been established take effect after review and adoption by the Disciplinary Review Panel pursuant to Article VIII, below.

11. Summary of decisions published. In cases in which a rule violation or unprofessional conduct has been established, a brief summary of the action of the Judicial Committee, including the charge, a summary of the Judicial Committee's report, and the disciplinary action taken, if any, shall be published within BUSL unless the Dean determines otherwise. The summary shall not identify the student.

Article VIII. Review of Judicial Committee Decisions

1. Review by the Disciplinary Review Panel. A student who has been found to have committed a disciplinary violation may appeal that decision to the Disciplinary Review Panel. The student must

inform the Dean's Office of the decision to take an appeal within seven days of notification of the finding of a violation by the Judicial Committee. The student shall be entitled to submit a written statement to the Panel. Such statement shall set forth grounds on which the student desires relief from the Judicial Committee's decision, but the Panel need not confine its review to issues raised by the student. The statement submitted by the student shall be forwarded to the Office of the Dean. At the direction of the Dean, an Associate Dean or other Dean's designate may submit a response, limited to the issues raised by the student. The Panel shall review such portions of the evidence and testimony as are necessary to full consideration of the student's statement, but no evidence or factual issues not raised before the Judicial Committee shall be introduced before the Disciplinary Review Panel.

2. **Standard of review.** The Disciplinary Review Panel shall affirm the decision of the Judicial Committee unless it finds such decision to be clearly erroneous or fundamentally unfair, taking into account the interests of the students and BUSL.

3. **Composition of the Disciplinary Review Panel.** The Disciplinary Review Panel shall consist of three members and an alternate, all of whom shall be full-time regular members of the BUSL Faculty, appointed by the Dean to serve during the academic year. The Dean shall designate one of the Panel members to serve as Chair. Faculty members then serving on the Faculty Judicial Panel, or as Associate Dean or Assistant Dean, shall not be eligible for appointment to the Disciplinary Review Panel.

4. **Resignation and replacement of Disciplinary Review Panel members.** The student may bring to the attention of the Disciplinary Review Panel any facts or circumstances that would compromise or would appear to compromise the impartiality of a Panel member. Any member of the Panel who knows of any such facts or circumstances, whether or not presented by the student, shall resign from the Panel and be replaced by the alternate selected at the beginning of the academic year.

5. **Panel procedure.** The Disciplinary Review Panel shall deliberate in private. The Panel's decision shall be reached by majority vote of the Panel members present and voting.

6. **Action on review of Judicial Committee decisions.** The Disciplinary Review Panel may take the following action on review of decisions by a Judicial Committee.

- a. Adopt the Committee's decision and the disciplinary action it has imposed;
- b. Adopt the Committee's finding of a violation but impose a lesser disciplinary action than that imposed by the Committee; or
- c. Set aside the Committee's decision in whole or in part, and dismiss the charges or send the matter back to the Committee for rehearing as to all or part of the issues raised before the Committee. Disciplinary action determined on such rehearing shall not be more severe than that originally determined by the Committee.

7. **Disciplinary Review Panel's decision final.** Actions taken by the Disciplinary Review Panel are final and not subject to further review.

8. **Notification to student.** The Disciplinary Review Panel shall transmit its decision to the Office of the Dean. The Dean shall transmit the decision to the student.